

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

**IN RE COMPACT DISC MINIMUM  
ADVERTISED PRICE  
ANTITRUST LITIGATION**

**MDL DOCKET NO. 1361**

(This Document Applies To All Actions Except  
*Trowbridge, et al. v. Sony Music Entertainment Inc., et al.*, Docket No. 2:01-CV-125-P-H)

**ORDER SEEKING CLARIFICATION ON COURT-APPROVED  
CY PRES DISTRIBUTIONS**

I have reviewed the June 26, 2008, Final Report of the States and Private Plaintiffs on the Completion of the Distribution of the Remaining Compact Discs and Cash in the Settlement Fund to the Court-Approved Cy Pres Recipients, including the exhibits attached thereto ("Final Report") (Docket Item 433). The compact disc distribution was completed successfully in accordance with the terms of the January 24, 2007 Order on Undistributed Funds, Supplemental Cy Pres Plans, and Payment of Additional Costs ("January 24, 2007 Order") (Docket Item 425). The Final Report establishes that most of the cash distributions proceeded as proposed in the States' Supplemental Cy Pres Plans and as directed in the January 24, 2007 Order. However, my review of the Final Report provoked certain questions, and I seek clarification in the following three categories:

***Scrivener Errors***

There appear to be several errors in the Cy Pres Cash Distribution recipient list in Exhibit A to the Final Report.

1. Three of what I believe to be Georgia's proposed recipients are listed as recipients of other states' distributions. Specifically, Georgia proposed to allocate its cash share among seven organizations. Georgia's section of the recipient list reflects distributions to four of the seven organizations. The three other proposed recipients appear to be listed under California (MusiCares); Rhode Island (Still Waters Youth Sinfo-Nia of Metropolitan Atlanta); and Texas (Dallas Austin Foundation (the Atlanta-based organization is named for the songwriter/producer who founded it)).

2. There is no listing for New Hampshire on the recipient list. New Hampshire's distribution seems to have been recorded under Vermont ("UNH-Manchester Library").

The plaintiffs shall confirm that these entries are, in fact, scriveners' errors and that I have correctly deciphered their proper categorization.

***Distribution to State Offices***

The January 24, 2007 Order approved the cy pres cash distributions to the States to fund the organizations described in the States' Proposed Supplemental Cy Pres Plans. In twenty-one instances, the recipient list reflects a distribution to a state or a state office (for example, the Office of the Attorney General or the State Treasurer), but the Final Report does not reveal whether the recipients identified in the Proposed Supplemental Cy Pres Plans ever received the settlement funds. The twenty-one instances are: (1) Arkansas; (2) Delaware; (3) Florida; (4) Hawaii; (5) Idaho; (6) Illinois; (7) Indiana; (8) Kansas; (9) Kentucky; (10) Maine; (11) Maryland; (12) Massachusetts; (13) North Carolina; (14) Northern Mariana

Islands; (15) Oregon; (16) Pennsylvania; (17) South Carolina; (18) Tennessee; (19) Utah; (20) Virginia; and (21) Wyoming.

I request confirmation that these states' shares were ultimately distributed in accordance with the representations made to the Court in the Supplemental Cy Pres Distribution Plans, or if not, why not. If a distribution occurred as proposed by the State and previously approved by this Court, a brief acknowledgment to that effect is sufficient.

***Distribution to Entities Other than those Proposed; Omitted Entity***

According to the Cy Pres Cash Distribution recipient list in Exhibit A to the Final Report, three States' cash shares may have been distributed differently than proposed in those States' Supplemental Cy Pres Plans, as approved by this Court.

1. Montana proposed to dedicate its cash share to support the broadcast of popular music on public radio stations serving Montana listeners. According to the Cy Pres Cash Distribution recipient list, Montana's share was actually distributed to MusEco Media and Education Project. I cannot determine whether this distribution satisfies the approved purpose.

2. New Hampshire proposed to allocate its funds to the New Hampshire public library system, through the New Hampshire Library Association. The Cy Pres Cash Distribution recipient list seems to show that New Hampshire's cash share actually went to the University of New Hampshire-Manchester Library.<sup>1</sup>

---

<sup>1</sup> As I explained in the first section of this Order, the New Hampshire distribution appears to be included erroneously under Vermont.

3. The State of Rhode Island proposed to distribute its cash share among seven organizations. One of Rhode Island's proposed recipients, Ocean State Chamber Orchestra, is not listed in the Cy Pres Cash Distribution recipient list. The plaintiffs shall explain what has happened in these three cases. Accordingly, the plaintiffs shall respond to this Order within thirty (30) days.

**So ORDERED.**

**DATED THIS 17TH DAY OF JULY, 2008**

/s/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**